



CGB-CC-0963

Received & Inspected

JAN 11 2010

FCC Mail Room

January 4, 2010

Marlene H. Dortch, Secretary  
Federal Communications Commission  
Office of the Secretary  
445 12th Street, SW  
Washington, D.C. 20554

Re: Petition for Undue Burden Exemption  
From Closed Captioning Rules

Dear Ms. Dortch:

This letter is submitted pursuant to 47 C.F.R. §79.1(f) and requests an exemption on behalf of Gracepoint Church from the FCC's closed captioning rules based on undue burden. In accordance with 47 C.F.R. §79.1(f)(4), the original and two copies of this letter and all support are being provided.

Gracepoint Church is a donor supported non-profit organization under the laws of the state of Indiana. Since 2008, we have produced a weekly 58:00-minute video program called "Gracepoint Church". "Gracepoint Church" is a program that serves as a teaching ministry outreach, which helps bring biblical answers to life situations. "Gracepoint Church" is locally produced in-house by Gracepoint Church staff, and is broadcast to the public on WHMB-TV40 in Indianapolis. Gracepoint Church pays WHMB-TV40 \$77,325.00 per year to air the show over its broadcast facilities.

Captioning the program would present an undue burden for several reasons. First, since we do not have the resources to caption the program ourselves, it would have to be sent to an outside source for captioning. Second, the added production cost for captioning would make production of the program unaffordable and the time for captioning would make meeting WHMB-TV40 air-date deadlines impossible. Finally, a captioning requirement would ultimately cause us to either terminate or severely limit production of the program, and cause us to lose viewers and supporters who would no longer be able to regularly view the program. We have discussed with WHMB-TV40 the possibility of their assisting us in captioning the program at no cost, but they have advised us that they do not have the necessary resources or staffing to perform captioning on our behalf.

Gracepoint Church respectfully submits that the basis for its captioning exemption request based on undue burden is practically identical to the facts justifying undue burden exemptions in the Commission's 2006 Memorandum Opinion & Order, *In Re Anglers for Christ Ministries, Inc. & New Beginning Ministries Petitions for Exemption from Closed Captioning Requirements*, CGB-CC-0005 and -0007, 21 FCC Rcd 10094 (September 12, 2006).

---

**PASTOR JAMES DEVNEY**

330 W. WHITELAND RD  
www.gracepointministries.net

WHITELAND, IN 46184

TELEPHONE: 317-535-3512  
FAX: 317-535-3518

Marlene H. Dortch, Secretary  
Federal Communications Commission  
Office of the Secretary  
445 12th Street, SW  
Washington, D.C. 20554

Page Two

In light of that precedent, and the facts set forth in this letter, we respectfully request that Gracepoint Church be granted an undue burden exemption from the captioning requirements for "Gracepoint Church" program.

In support of our request, we provide a copy of certain documents establishing Gracepoint Church's non-profit status. In addition, as permitted by §1.16 of the Commission's rules, we are providing a Declaration Under Penalty of Perjury in support of the facts set forth in this request for exemption in lieu of the affidavit required by §79.1(f)(9). Should the Commission require additional information, please contact the undersigned individual.

Respectfully:

Gracepoint Church

By:



Printed Name: Stanley Glover

Title: Associate Pastor

**Declaration Under Penalty of Perjury of Stanley Glover  
In Support of Gracepoint Church's Request for Undue Burden  
Exemption from Closed Captioning Rules**

I, Stanley Glover, Associate Pastor of Gracepoint Church, do hereby declare under penalty of perjury of the laws of the United States of America that the following statements are true and correct.

1. Gracepoint Church is a donor supported non-profit organization organized under the laws of the state of Indiana.

2. Since 2008, Gracepoint Church has produced a 58-minute video program called "Gracepoint Church". "Gracepoint Church" is a program that serves as a teaching ministry outreach, which helps bring biblical answers to life situations. "Gracepoint Church" is locally produced in-house by church staff, and is broadcast to the public on WHMB-TV40 in Indianapolis. Gracepoint Church pays WHMB-TV40 \$77,325.00 per year to air the show over its broadcast facilities.

3. Gracepoint Church has discussed with WHMB-TV40 the possibility of their assisting in captioning "Gracepoint Church" at no cost, but they have advised us that they do not have the necessary resources or staffing to perform captioning on our behalf.

4. Captioning "Gracepoint Church" would present an undue burden because we do not have the resources to caption the program ourselves, and it would have to be sent to an outside source for captioning.

5. The added production cost for captioning would make production of the program unaffordable and the time for captioning would make meeting WHMB-TV40 air-date deadlines impossible.

6. A captioning requirement for "Gracepoint Church" would ultimately cause Gracepoint Church to either terminate or severely limit production of the program, and cause us to lose viewers and supporters who would no longer be able to regularly view the program.

Executed on January 4, 2010

  
Stanley Glover—Associate Pastor

Indiana Secretary of State  
Packet: 2008041400159  
Filing Date: 04/14/2008  
Effective Date: 04/14/2008

State of Indiana  
Office of the Secretary of State

CERTIFICATE OF INCORPORATION  
of  
GRACEPOINT CHURCH INCORPORATED

I, TODD ROKITA, Secretary of State of Indiana, hereby certify that Articles of Incorporation of the above Non-Profit Domestic Corporation have been presented to me at my office, accompanied by the fees prescribed by law and that the documentation presented conforms to law as prescribed by the provisions of the Indiana Nonprofit Corporation Act of 1991.

NOW, THEREFORE, with this document I certify that said transaction will become effective Monday, April 14, 2008.



In Witness Whereof, I have caused to be  
affixed my signature and the seal of the  
State of Indiana in the City of Indianapolis,  
April 14, 2008.

A handwritten signature in cursive script, reading "Todd Rokita".

TODD ROKITA,  
SECRETARY OF STATE

2008041400159 / 2008041421006